

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DANILO MERA, on behalf of himself, FLSA
Collective Plaintiffs, and the Class,

Plaintiff,

- against -

SA HOSPITALITY GROUP, LLC, CAFE
FOCACCIA, INC., doing business as Felice
Wine Bar, EIGHTY THIRD AND FIRST
LLC, doing business as Felice, FELICE
GOLD STREET LLC, doing business as
Felice, FELICE CHAMBERS LLC, doing
business as Felice, FELICE 240, LLC, doing
business as Felice, FELICE HUDSON, LLC,
doing business as Felice, FELICE ROSLYN
LLC, doing business as Felice, FELICE
MONTAGUE, LLC, doing business as Felice,
JOHN DOE CORPORATION, doing business
as Felice, DIMITRI PAULI, and JACOPO
GIUSTINIANI,

Defendants.

ORDER

23 Civ. 3492 (PGG) (SDA)

PAUL G. GARDEPHE, U.S.D.J.:

Plaintiff Danilo Mera is a former employee of Defendant Café Focaccia, a restaurant owned by Defendant SA Hospitality Group, LLC. Mera brings this action against Café Focaccia, other restaurants and corporate entities associated with the SA Hospitality Group, and two individuals who own, operate, or control these restaurants. (Cmplt. (Dkt. No. 1) ¶¶ 8-21)

The Complaint was filed on April 26, 2023. (Cmplt. (Dkt. No. 1)) Plaintiff asserts as against all Defendants (1) wage and hour claims under the Fair Labor Standards Act, 29 U.S.C. §§ 201-219 and the New York Labor Law, §§ 190-199A, 650-655; and (2) hostile

work environment and sexual orientation discrimination claims under the New York State Human Rights Law, N.Y. Exec. L. § 290 et seq. (the “NYSHRL”), and the New York City Human Rights Law, N.Y.C. Admin. Code § 8-101 et seq. (the “NYCHRL”). (Id. ¶¶ 66-98)

On March 20, 2024, all Defendants other than Café Focaccia moved to dismiss Plaintiff’s hostile work environment and discrimination claims for failure to state a claim under Fed. R. Civ. P. 12(b)(6). (Def. Br. (Dkt. No. 56) at 1, 6-10)

On April 5, 2024, Plaintiff moved to voluntarily dismiss his discrimination claims against all Defendants other than Café Focaccia pursuant to Fed. R. Civ. P. 41(a)(2). (See Notice of Voluntary Partial Dismissal (Dkt. No. 58)) The Court granted Plaintiff’s motion for voluntary dismissal on April 9, 2024. (Apr. 9, 2024 Order (Dkt. No. 59))

CONCLUSION

For the reasons stated above, Defendants’ motion to dismiss (Dkt. No. 55) is denied as moot.

The Clerk of Court is directed to terminate the motion (Dkt. No. 55).

Dated: New York, New York
June 26, 2024

SO ORDERED.



Paul G. Gardephe
United States District Judge